

[REPUBLIC ACT NO. 8991, January 05, 2001]

AN ACT TO ESTABLISH THE BATANES GROUP OF ISLANDS AND ISLETS AS A PROTECTED AREA, AND ITS PERIPHERAL WATERS AS BUFFER ZONES, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title.* - This Act shall be known as the Batanes Protected Area Act of 2000.

SEC. 2. *Declaration of Policy.* - Pursuant to Republic Act No. 7586, it is hereby declared the policy of the State to regulate the utilization of fishery and marine resources, aggregates, wild flora and fauna, culture and indigenous knowledge, historical artifacts and sites, ensure the continuity of endangered, threatened and rare species and preserve Ivatan heritage towards the end of conserving, protecting and preserving the scenic, cultural, historical and archeological features of the Batanes Group of Islands including the diverse terrestrial and marine ecosystem thereof for the benefit of its people and humankind.

The classified forest lands comprising the Batanes Protected Area shall be within the national park classification under the Constitution. Public lands classified as agricultural and alienable and disposable upon the passage of this Act shall remain as such and may be disposed of under the law.

SEC. 3. *Scope.* - The boundaries of the Batanes Protected Area are as follows:

FROM	LATITUDE	LONGITUDE
pt. 1	21° 11' 09"	121° 56' 37"
pt. 2	21° 09' 19"	122° 00' 24"
pt. 3	21° 06' 58"	122° 01' 16"
pt. 4	21° 03' 13"	121° 59' 47"
pt. 5	21° 01' 18"	121° 59' 03"
pt. 6	20° 58' 41"	121° 58' 16"
pt. 7	20° 54' 18"	21° 58' 29"
pt. 8	20° 51' 22"	121° 57' 33"
pt. 9	20° 49' 21"	121° 56' 55"
pt. 10	20° 47' 37"	121° 57' 02"
pt. 11	20° 46' 25"	121° 57' 08"
pt. 12	20° 44' 39"	121° 59' 20"
pt. 13	20° 41' 48"	122° 00' 18"
pt. 14	20° 28' 00"	122° 06' 02"
pt. 15	20° 24' 45"	122° 01' 36"

pt. 16	20° 23' 01"	122° 02'45
pt. 17	20° 21' 05"	122° 01'34
pt. 18	20° 19' 47"	122° 00'44
pt. 19	20° 18' 04"	121° 59'25
pt.20	20° 18' 09"	121° 57'20
pt.21	20° 15' 53"	121° 55'54
pt.22	20° 13' 36"	121° 55'00
pt.23	20° 11' 56"	121° 51'37
pt.24	20° 13' 27"	121° 48'10
pt.25	20° 14' 50"	121° 46'05
pt.26	20° 16' 51"	121° 44'31
pt.27	20° 18' 37"	121° 43'47
pt.28	20° 20' 11"	121° 42'32
pt.29	20° 22' 42"	121° 43' 28"
pt. 30	20° 24' 11"	121° 46' 48"
pt. 31	20° 24' 02"	121° 48' 26"
pt. 32	20° 24' 52"	121° 48' 45"
pt. 33	20° 25' 14"	121° 50' 43"
pt. 34	20° 24' 42"	121° 51' 27"
pt. 35	20° 26' 31"	121° 53' 37"
pt. 36	20° 28' 10"	121° 53' 15"
pt. 37	20° 31' 15"	121° 55' 19"
pt. 38	20° 40' 21"	121° 43' 47"
pt. 39	20° 43' 16"	121° 42' 53"
pt.40	20° 46' 14"	121° 44' 51"
pt.41	20° 49' 33"	121° 46' 00"
pt.42	20° 53' 12"	121° 48' 33"
pt.43	20° 54' 24"	121° 49' 46"
pt.44	20° 55' 43"	121° 50' 17"
pt.45	20° 57' 19"	121° 50' 54"
pt.46	20° 59' 09"	121° 52' 23"
pt.47	21° 01' 11"	121° 52' 41"
pt.48	21° 03' 55"	121° 51' 28"
pt.49	21° 07' 18"	121° 52' 35"
pt. 50	21° 09' 57"	121° 53' 40"
pt. 1	21° 11' 09"	121° 56' 37"

containing an approximate area of Two hundred thirteen thousand five hundred seventy-eight (213,578) hectares as a protected area.

Any modification to this Act due to factors such as changing ecological situations, new scientific or archeological findings or discovery of traditional boundaries not previously taken into account shall be made through an Act passed by Congress after full consultation with the affected public.

Private lands inside the protected area shall be governed as part of the protected area subject to rules and regulations relating thereto. Penal provisions, however, in this Act or in rules and regulations issued by the Protected Area Management Board (PAMB) shall not apply to private lands unless specifically stated.

SEC. 4. *Definition of Terms.* - For the purposes of this Act, the following terms are defined as follows:

- a. "Alienable and disposable lands" refer to public lands classified as agricultural and therefore alienable and disposable prior to the passage of this Act, provided that ancestral domains are not considered to be alienable and disposable as they are considered never to have been public;
- b. "Ancestral lands and domains" refer to all lands and natural resources occupied or possessed by indigenous cultural communities, by themselves or through their ancestors, communally or individually, in accordance with their customs and traditions since time immemorial and continuously to the present except when interrupted by war, *force majeure*, or displacement by force, deceit or stealth. It includes all adjacent areas generally belonging to them and which are necessary to ensure their economic, social and cultural welfare;
- c. "Forest lands" shall refer to all lands within the Batanes Protected Area which are public lands, not ancestral lands or domains and have not been classified as alienable and disposable, thereby placing it within the constitutional classification of national park;
- d. "Nongovernment organization" shall refer to any civic, development or philanthropic organization which is multi-sectoral in character;
- e. "Non-renewable resources" are those resources found within the protected area and its buffer zones the replenishment rate of which is either not known or takes more than twenty- five (25) years;
- f. "People's organization" shall refer to organizations whose purpose for establishment is to protect or advance the interest of specific sectors, such as but not limited to farmers, fisherfolks, women and the like;
- g. "Peripheral waters" shall refer to the waters covered under the technical description under Section 3 hereof;
- h. "Private lands" are those registered as such under the property registration decree, those over which private ownerships have ripened as provided for under the Public Land Act and those considered ancestral lands despite the lack of documentation that reflect such status;
- i. "Protected species" any individual of the following species: marine turtles, green turban snails, dolphins, whales, whale sharks or any species listed under the Convention of International Trade of Endangered Species (CITES), or any plant or animal that is or shall be declared as protected under the Philippine laws, rules and regulations issued by the Department of Environment and Natural Resources (DENR) or the PAMB or the management plan herein provided for.

SEC. 5. *Management Plan.* - The Protected Area Superintendent (PASu) shall prepare the management plan in consultation with the appropriate offices of the DENR and local experts who may donate their services including but not limited to people's organizations, nongovernment organizations, local government units and other government agencies. The management plan shall be reviewed, approved and adopted by the PAMB and certified by the Secretary of the DENR. Such certification is mandatory if the plan conforms to all laws and rules and regulations issued by the DENR of national application. In no case shall the DENR be allowed to revise or modify a management plan without prior consultation with the PAMB.

Within one (1) year from the effectivity of this Act, a Management Plan shall have been put into effect following the General Management Planning Strategy provided under the National Integrated Protected Area Systems (NIPAS) Act and according to the procedure herein set forth. It shall contain, among others, the following:

- a. The category of the protected area;
- b. Period of applicability of the plan;
- c. Key management issues;
- d. Goals and objectives of management in support of Section 2 hereof;
- e. Site management strategy;
- f. Major management activities such as but not limited to enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire and pest control;
- g. Zoning;
- h. Visitor management programs; and
- i. Waste management programs.

The PASu in coordination with all concerned offices shall prepare all successor plans. One (1) year before the expiration of the period of applicability of the plan in effect, the PASu shall cause publication of notices for comments and suggestions on the next successor plan in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls and in three other areas frequented by the public. Public hearings may be conducted on the successor plan upon the written request of any interested party. A finalized plan shall be made available for public perusal at the Office of the PASu upon its approval by the PAMB.

The zoning of the protected area shall give primary consideration to the traditional zones used and recognized by the Ivatans and tenured migrants unless such uses are deemed detrimental to biodiversity and the protection of the natural characteristics of the protected area.

The plan shall be in a language understandable in the area, plainly written and available for perusal to the general public at the PASu office.

SEC. 6. *Institutional Mechanisms.* - The following administrative and policy-making mechanisms shall apply:

A. *The Protected Area Management Board.* - There shall be a PAMB which shall be the policy-making body of the protected area. It shall be composed of:

1. The Regional Director, Region II, of the DENR as the chairman;
2. The Provincial Planning and Development Officer;
3. One (1) representative from each municipal government of Batanes, to be appointed by a majority vote of each Sangguniang Bayan;
4. One (1) representative from each barangay, to be appointed by the Sangguniang Barangay;
5. At least three (3) representatives from nongovernment organizations to be chosen among themselves;
6. One (1) vote during every meeting shall be reserved for one national government agency as may be called for that specific meeting by the PAMB depending upon the specific needs in the agenda;
7. At least two (2) representatives who are considered authority on Ivatan culture, customs and traditions, whether by academic qualifications or continuous and authoritative indigenous knowledge of such culture; and

8. At least three (3) representatives from peoples' organizations or cooperatives to be selected among themselves.

Every member of the PAMB shall be considered to represent his or her sector and shall be deemed to carry the vote of such sector unless challenged in writing five (5) days after the decision being challenged is made known to the members of the sector through the provision of written information.

The PAMB for the Batanes Protected Area shall have the following powers and functions:

1. Issue all rules and regulations to prohibit acts that may be prejudicial to the protected area and the policy declaration herein set forth as well as establish criteria and set fees for the issuance of permits for activities regulated by this Act or the management plan;
2. Issue rules and regulations for the resolution of conflict through appropriate, culturally sensitive and effective means;
3. Adopt rules of procedure for the conduct of business, including the creation of committees to whom its powers may be delegated;
4. Approve the management plan and oversee the office of the PASu;
5. Deputize interested individuals for the enforcement of the laws, rules and regulations governing conduct in the protected area; and
6. Approve proposals for funding, budget allocations and exercise responsibility over all funds that may accrue to the Batanes Protected Area which are donated for the purpose of the above policy declaration.

The DENR through the Regional Executive Director (RED) shall exercise the authority to oversee the PAMB to ensure that it is acting within the scope of its powers and functions. In case of a contradiction between administrative orders issued by the DENR pursuant to the NIPAS Act for national application and the rules and regulations issued by the PAMB, the PAMB shall notify the Secretary of the DENR who shall decide whether to apply the rule or withdraw it for purposes of the Batanes Protected Area. The decision of the Secretary shall be guided by a preference to locally initiated and specific policies enacted by the PAMB. The decision of the Secretary shall be appealable to the Regional Trial Court with jurisdiction over the protected area.

- B. *The Protected Area Superintendent (PASu) Office.* -There shall be a Protected Area Superintendent within the Department of Environment and Natural Resources who shall serve as the chief operating officer of the protected area. The PASu shall have the following powers and functions:

1. Prepare the management and successor plans as herein provided;
2. Serve as the Secretariat for the PAMB with duty to provide the PAMB with all the information necessary for it to make appropriate decisions when necessary;
3. Hire and supervise the necessary personnel to support operations as the budget allocated in this Act by the PAMB and by the DENR may allow;
4. Establish a productive partnership with the local community, including groups interested in the achievement of the herein goals